

Order

Michigan Supreme Court
Lansing, Michigan

September 14, 2007

Clifford W. Taylor,
Chief Justice

132549

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

TRACEY DYKSTRA,
Claimant-Appellee,

v

SC: 132549
COA: 271535
Kent CC: 05-011956-AE

DEPARTMENT OF LABOR & ECONOMIC
GROWTH, UNEMPLOYMENT INSURANCE
AGENCY,
Appellant.

On order of the Court, the application for leave to appeal the October 16, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. We note that a similar issue is presented in *Jordan v Department of Labor & Economic Growth* (Docket No. 133017), which we remanded to the Court of Appeals for consideration as on leave granted by order dated September 14, 2007.

MARKMAN, J., concurs and states as follows:

I concur with the majority. However, I write to reconcile my position with that in *Jordan v Department of Labor & Economic Growth*, Docket No. 133017, in which I do not participate. In *Jordan*, I do not participate because my wife was a member of the Board of Review at the time of the decision being appealed, although she did not review that case, did not participate in its consideration, and took no position on its merits. In this case, I do participate because my wife was no longer a member of the Board of Review and had no involvement in the case.



d0911

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 14, 2007

Corbin R. Davis

Clerk